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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,840	09/30/2003	Barrett Morris Kreiner	60027.5123US01/030144	4460

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EXAMINER	
ZHAO, DAQUAN	

ART UNIT	PAPER NUMBER
2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/674,840	KREINER ET AL.	
	Examiner	Art Unit	
	DAQUAN ZHAO	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 8-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 8-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/26/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/31/2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-6 and 8-21 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.
For example, paragraphs 33 and 34 contains hyperlink.

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-6, 8-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

6. For claims 1 and 18, there's no description for "a first time and a second time, wherein if the occurrence happens within the at least one of the region of interest and the region of disinterest within a single picture frame at the second, the set of rules further specifies that at least one of the item delayed video and the time-delayed audio **data is not transferred from** the loop buffer to the memory"

7. For claims 3 and 21, there's no description for "the set of rules further specifies that the another occurrence is stopped to verify that the **occurrence is caused by the another occurrence."** There's also no description for "if the another occurrence is happening when the occurrence happens...".

Claims 2, 4-6, and 9-20 are also affected.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 3 and 6 recites the limitation **"the** another occurrence" in 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1, 3, 4, 5, 6, 12, 13, 14, 15, 16, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basir et al (US 2003/0,154,009 A1), Stockum et al (US 5,301,240) and further in view of Brodsky et al (US 2003/0,058,341 A1).

For claim 1, Basir et al teach a video recorder, comprising: a processor communicating with memory, the memory storing at least one of i) video data of an event and ii) audio data of event, the video data comprising a series of picture frames (e.g. figure 1, paragraphs .26 and 28, paragraph 45 specifies the audio);a loop buffer also storing at least one or time-delayed audio and time-delayed video data that precedes the event (e.g. paragraphs 26, 36); and a set of rules stored in the memory (e.g. abstract, paragraphs 37, 40 and 41, event and statistics is stored in the memory), the set of rules specifying ii) an occurrence that causes transfer of at least one of the time- delayed video data and the time-delayed audio data from the loop buffer to the memory (e.g. paragraphs 36 and 41ecdentric event causes the data transfer from the circular buffer to non-volatile memory);

However, Basir et al fail to teach the set of rules further specifies that at least one of the time-delayed video data and the time-delayed audio data is not transferred from the loop buffer to the memory; and the set of rule specifying i) at least one of region of

interest and a region of disinterest within a single picture frame and if the occurrence happens within the at least one of the region of interest and the region of disinterest within a single picture frame.

Stockum et al teach the set of rules further specifies that at least one of the time-delayed video data and the time-delayed audio data is not transferred from the loop buffer to the memory (e.g. abstract, column 5, line 61- column 6, line 9, user can control and stop the transfer of the event video to the permanent storage). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Stockum et al into the teaching of Basir et al for user to control the recording system conveniently.

However, Basir et al and Stockum et al fail to teach a set of rule stored in memory; the set of rule specifying i) at least one of region of interest and a region of disinterest within a single picture frame and if the occurrence happens within the at least one of the region of interest and the region of disinterest within a single picture frame. **Brodsky et al** teach a set of rule stored in memory (e.g. paragraph 13); the set of rule specifying i) at least one of region of interest and a region of disinterest within a single picture frame and if the occurrence happens within the at least one of the region of interest and the region of disinterest within a single picture frame (e.g. paragraphs 9-11, moving object in a frame has occurrences of fall-down, stagger and panic gesturing). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Krishnamurthy et al into the teaching of Basir et al

and Stockum et al for consistent video based event detection (paragraph 8 of Brodsky et al).

For claims 3 and 21, Stockum et al teach if the other occurrence is happening when the occurrence happens within the at least one of the region of interest and the region of disinterest within a single picture frame, then the set of rules further specifies that the another occurrence is stopped to verify that the occurrence is by another occurrence (e.g. abstract, column 5, line 61- column 6, line 9, user can control and stop the transfer of the event video to the permanent storage).

For claim 6, Basir et al teach the another occurrence includes operation of a heating, ventilation, and air conditioning system (e.g. paragraph 34).

For claim 4, Basir et al teach the memory stores real-time video data of the event and provides the time-delayed video data, the time-delayed video data preceding the occurrence that causes transfer of at least one or the time-delayed video data and the time-delayed audio data from the loop buffer to the memory (e.g. abstract, paragraph 36, circular buffer provides time delay).

claim 5 is rejected for the same reasons discussed in claim 4 above.

For claims 12 and 13, Basir et al teach the video recorder interface with means for sensing the occurrence and initiates video data of the event (e.g. paragraph 29).

For claim 14, Basir et al teach an interface to a communications network (e.g. paragraph 43).

For claim 15, 16 and 17, Basir et al teach the set of rules tags the video data with metadata, the metadata providing a description of a rule that caused the video data to

be stored in the memory (e.g. paragraph 34-36, the data capture module gather metadata describes in paragraph 34 and stored this data in the circular buffer, this data provides a very accurate and complete view of the conditions prior to, during and post eccentric events).

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Basir et al (US 2003/0,154,009 A1), Stockum et al (US 5,301,240) and Brodsky et al (US 2003/0,058,341 A1) as applied to claims 1, 3, 4, 5, 6, 12, 13, 14, 15, 16 and 17 above and further in view of Krishnamurthy et al (US 6,496,607 B1).

See the teaching of Basir et al, Stockum et al and Brodsky et al above.

For claim 2, Basir et al, Stockum et al and Brodsky et fail to teach a first bit rate associated with the region of interest and a second bitrate associated with the region of disinterest; and transferring the video data using the first and second bit rate. Krishnamurthy et al teach a first bit rate associated with the region of interest and a second bitrate associated with the region of disinterest; and transferring the video data using the first and second bit rate (e.g. column 6, line 45- column 7-line 10). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Krishnamurthy et al into the teaching of Basir et al, Stockum et al and Brodsky et al to increase the quality or resolution for the region of interest in a frame and sacrifice the texture information of non-interest regions to maintain the bit allocating for the current frame.

12. Claims 18, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basir et al (US 2003/0,154,009 A1), and further in view of Stockum et al (US 5,301,240)

For claim 18, Basir et al teach a video recorder, comprising: a processor communicating with memory, the memory storing at least one of i) video data of an event and ii) audio data of event, the video data comprising a series of picture frames (e.g. figure 1, paragraphs .26 and 28, paragraph 45 specifies the audio);a loop buffer also storing at least one or time-delayed audio and time-delayed video data that precedes the event (e.g. paragraphs 26, 36); and a set of rules stored in the memory (e.g. abstract, paragraphs 37, 40 and 41, event and statistics is stored in the memory), the set of rules specifying ii) an occurrence that causes transfer of at least one of the time- delayed video data and the time-delayed audio data from the loop buffer to the memory (e.g. paragraphs 36 and 41ecdentric event causes the data transfer from the circular buffer to non-volatile memory);

However, Basir et al fail to teach the set of rules further specifies that at least one of the time-delayed video data and the time-delayed audio data is not transferred from the loop buffer to the memory; Stockum et al teach the set of rules further specifies that at least one of the time-delayed video data and the time-delayed audio data is not transferred from the loop buffer to the memory (e.g. column 5, line 61- column 6, line 9, user can control and stop the transfer of the event video to the permanent storage). It would have been obvious to one ordinary skill in the art at the time the invention was

made to incorporate the teaching of Stockum et al into the teaching of Basir et al for user to control the recording system conveniently.

For claim 19, Basir et al teach an interface to a communications network, the interface allowing the video recorder to transfer the audio data and the video data to a remote location via the communication network (e.g. paragraph 43).

For claim 20, Basir et al teach a user interface for configuring the video recorder (e.g. paragraph 42).

13. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basir et al (US 2003/0,154,009 A1), Stockum et al (US 5,301,240) and Brodsky et al (US 2003/0,058,341 A1) as applied to claims 1, 3, 4, 5, 6, 12, 13, 14, 15, 16 and 17, and further in view of Official Notices.

See the teaching of Basir et al, Stockum et al and Brodsky et al above.

For claims 8-11, Basir et al, Stockum et al and Brodsky et al fail to specify a mass-storage device, an optical storage device, a memory card and a flash memory storage device. The examiner takes official notice for a mass-storage device, an optical storage device, a memory card and a flash memory storage device since they are well known in the art. It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate a mass-storage device, an optical storage device, a memory card or a flash memory storage device into the system of Basir et al, Stockum et al and Brodsky et al since Basir et al suggest in paragraphs 26 and 28 the

storage device can be volatile or non-volatile and should be large enough to stored the video and audio data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/
Examiner, Art Unit 2621
Daquan Zhao

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621